

STATEMENT SHOWING THE INSTALMENTS IN WHICH THE
LOAN AMOUNT IS TO BE PAID.

TOTAL AMOUNT OF LOAN.....

Serial number of instalment	Due date of payment on or after	Amount Rs.	Date of actual payment	Voucher No.	Initials of Treasury Officer	Signature of party	Remarks
1	2	3	4	5	6	7	8

NOTE OF REPAYMENT.

Amount of principal	Amount of interest	Total	Date of repayment	Signature of Treasury Officer	Remarks
1	2	3	4	5	6

Judicial and Executive Functions.

*Proceedings of the Government of His Highness the Maharaja of Mysore.***Order No. J. 4550-4600—Cts. 312-12-1, dated 10th May 1918.**

The Government are of opinion that it will tend on the whole to a better and prompter administration of Criminal Justice if the duty of trying cases is assigned as far as possible to officers whose attention is not distracted by other important and heavy work. A beginning in this respect was made several years ago by the appointment of whole-time Magistrates for the cities of Bangalore and Mysore and the Kolar Gold Fields, and more recently by the constitution of Benches of Magistrates for various localities. The time appears to be ripe for taking a further step in the same direction in order to afford a very necessary measure of relief to executive officers and to ensure a more efficient despatch of criminal work.

2. At present, besides the Chief Court and the Sessions and Assistant Sessions Judges who belong to the purely judicial service, the agency available for the trial of criminal cases and appeals consists of the following officers borne on the executive cadre :—

- (i) Eight District Magistrates, who are also Deputy Commissioners of Districts.
- (ii) Three full-time 1st Class Magistrates for the cities of Bangalore and Mysore and the Kolar Gold Fields.
- (iii) Twenty-one other First Class Magistrates who are also Assistant Commissioners in charge either of Revenue Sub-Divisions or of treasuries.
- (iv) Fifty-five 2nd Class Magistrates, of whom three are Assistant Commissioners, three are Munsiffs, and the rest Amildars.
- (v) Thirty 3rd Class Magistrates, of whom two are Probationary Assistant Commissioners, eighteen are Amildars and the rest Deputy Amildars.

3. The Government have decided after careful consideration to provide a separate agency for the disposal of the mass of original criminal work that is now being done by Magistrates of all classes other than the three full-time Magistrates of the first class already available, as referred to above, and also the Munsiff Magistrate of the Kolar Gold Fields, who will continue as heretofore.

They do not, however, think it desirable to divest the executive heads of districts altogether of their appellate powers and powers of revision and superintendence. No material change is therefore contemplated with regard to the position and functions of the District Magistrates.

At the same time these Officers have not, as a rule, done much original criminal work in the past, and hereafter they will not be expected to try any original cases other than such as for special reasons may be withdrawn by themselves or transferred to their file from the Courts of other Magistrates. As regards appellate work also, the Special Magistrates, 1st class, will be duly empowered to hear appeals from the decisions of 2nd and 3rd class Magistrates, wherever the original work is not very heavy. The conditions prevailing in the Kolar Gold Fields being exceptional, it is not proposed to divest the Special Magistrate of the executive powers now vested in him.

4. To each district will be assigned, for the present, one Special Magistrate of the 1st class, who, in addition to original cases triable by a 1st class Magistrate, will also dispose of such appeals as he may be empowered to hear.

5. All cases triable by 2nd and 3rd class Magistrates will be dealt with by Special Magistrates of the 2nd class as also by Benches of Magistrates in places where it may be possible to constitute such Benches.

The Courts of the Special Magistrates of the 1st class to be newly established will be located at the headquarters of the various districts. The number, location and territorial jurisdiction of the courts of Special Magistrates, will, subject to any modifications which experience may dictate, be fixed tentatively as shown in the statement appended to this order. District Magistrates will endeavour to equalise the work of these courts as far as practicable by occasional withdrawals and transfers of cases.

Assistant Commissioners, Amildars and Deputy Amildars will continue to be Magistrates *ex-officio*; but they will cease to exercise magisterial functions in practice except such as are really executive in their nature, as for instance those referred to in Chapters VIII, IX, X, XI and XII of the Criminal Procedure Code.

6. The new Special Magistrates as also the three now in existence, will be included in the cadre of the Judicial Department, the pay of the 1st class Magistrates being the same as that of the Subordinate Judges, (*viz.*, Rs. 500— $\frac{5}{2}$ —600) and that of 2nd class Magistrates the same as that of Munsiffs, (*viz.*, 150—200— $\frac{5}{3}$ —400 per mensem). The officers immediately required to fill the places of Special Magistrates will, pending the elaboration of a suitable scheme of recruitment, be selected, partly from among Assistant Commissioners, Munsiffs and Amildars and partly from among the members of the Bar. Assistant Commissioners may also be temporarily appointed Magistrates for a period of two years or more and may be shown as seconded in the cadre of Assistant Commissioners.

7. Clerical establishments for the new Courts will be provided on the following scale:—

I.—FOR THE COURTS OF THE SPECIAL MAGISTRATES OF THE FIRST CLASS.

Establishment.	Salary per mensem.		Cost per annum.	
	Rs.		Rs.	
1 Head Clerk on ...	50	...	600	
1 Clerk „ ...	35	...	420	
1 Clerk „ ...	25	...	300	
1 Clerk „ ...	20	...	240	

II.—FOR THE COURTS OF THE SPECIAL MAGISTRATES OF THE SECOND CLASS.

Establishment.	Salary per mensem.		Cost per annum.	
	Rs.		Rs.	
1 Head Clerk on ...	40	...	480	
1 Clerk „ ...	30	...	360	
1 Clerk „ ...	20	...	240	

The menial establishment for each Court will consist of 1 Daffedar on Rs. 8 and 3 peons on Rs. 7 each per mensem; and a sum of Rs. 200 per annum will be provided on account of contingencies.

8. The cost of the scheme outlined above will be as shown below:—

	Per annum. Rs.
Pay of 8 Special Magistrates of the 1st class at Rs. 500— $\frac{50}{2}$ —600 per mensem (566 $\frac{2}{3}$ × 8 × 12)	54,400
Pay of the 3 existing Magistrates of the 1st class at Rs. 500— $\frac{50}{2}$ —600 per mensem	20,400
Pay of 24 Special Magistrates of the 2nd class at 150—200— $\frac{50}{3}$ —400 per mensem (300 × 24 × 12)	86,400
Ministerial establishments of 8 1st class Magistrates' Courts at Rs. 1,560 each (8 × 1,560)	12,480
Ministerial establishment of 24 2nd class Magistrates' Courts at Rs. 1,070 each (24 × 1,070)	25,680
Menial establishments of 32 Courts at Rs. 348 each	11,136
Contingencies for the 32 Courts at Rs. 200 each	6,400
Total per annum	2,16,896

9. Against this amount should be set off a sum of Rs. 53,940 being the savings that may be effected in respect of the following items of expenditure as a result of the introduction of the new Scheme.

	Per annum. Rs.
(1) Pay of four Additional Assistant Commissioners sanctioned in May 1917 for 4 new Sub-Divisions (4 × 350 × 12)	16,800
(2) Pay of 68 Judicial gumastas of Taluk Office at Rs. 21 $\frac{1}{2}$ per mensem (21 $\frac{1}{2}$ × 68 × 12)	17,340
(3) Pay of 16 Magisterial clerks of the Sub-Division Offices at Rs. 25 per mensem (16 × 25 × 12)	4,800
(4) Pay of 8 clerks of the Deputy Commissioners' Offices engaged in Magisterial work at Rs. 25 per mensem	2,400
(5) Pay of the 3 existing Magistrates 250— $\frac{50}{3}$ —450 (350 × 3 × 12)	12,600
Total	53,940

10. The net total cost of the scheme will thus be Rs. 1,62,956.

11. The scheme as outlined above will for the sake of convenience be introduced in the first instance, that is to say, with effect from 1st January 1919, into the districts of Bangalore and Shimoga and will be extended later on to the remaining districts of the State.

12. Deputy Commissioners, Heads of Departments concerned and the Registrar of the Chief Court are requested to submit in good time beforehand all necessary proposals for orders including the draft of Notifications to be issued in regard to the constitution of the new Courts, the provision of buildings for their location, the selection of officers and officials, and other matters incidental to the introduction of the new scheme.

13. The Efficiency Audit Officer will be entrusted with the duty of working out the practical details of the Scheme in consultation with the Deputy Commissioners, Heads of Departments concerned and the Registrar of the Chief Court with a view to bring it into operation from 1st January 1919.

C. S. BALASUNDARAM IYER,
Chief Secretary to Government.

To—The Registrar, Chief Court of Mysore.
The Revenue Commissioner in Mysore.
The Inspector-General of Police in Mysore.
The Chief Engineer of Mysore.
All Deputy Commissioners and District Magistrates.
The Comptroller, Mysore Government.
Other Heads of Departments.

PRESS TABLE.

Location and jurisdiction of Criminal Courts under the scheme of separation
of judicial and executive functions.

District	Location of Courts of Special Magistrates of First and Second class	Territorial jurisdiction
Bangalore	1. City Magistrate, Bangalore 2. Special Magistrate, 1st class, Bangalore. 3. Special Magistrate, 2nd class. (1) Bangalore (2) Closepet	The 1st class cases of the whole district and the 2nd and 3rd classes of the taluks of Nela-mangala, Devanahalli and Dodd-ballapur to be distributed between the Courts. The taluks of Bangalore, Hoskote and Anekal. The Closepet Sub-Taluk and the Taluks of Channapatna, Magadi and Kankanhalli.
Kolar	1. Special Magistrate, 1st class, Kolar 2. Special Magistrate, 1st class, Kolar Gold Fields. 3. Special Magistrate, 2nd class. (1) Kolar Gold Fields (2) Kolar (3) Chikballapur	The 1st class cases of the whole district except the Kolar Gold Fields. The Kolar Gold Fields. The taluks of Bowringpet, Mulbagal and Malur. The taluks of Kolar, Srinivasapur and Chintamani. The taluks of Chikballapur, Goribidnur, Bagepalli, Sidlaghatta and the Gudibanda Sub-Taluk.
Tumkur	1. Special Magistrate, 1st class, Tumkur. 2. Special Magistrate, 2nd class. (1) Maddagiri (2) Tiptur (3) Tumkur	The whole district (1st class cases only). The taluks of Maddagiri, Pavagada, Sira and Koratagere Sub-Taluk. The taluks of Tiptur and Chiknayakanhalli and Turuvekere Sub-Taluk. The taluks of Tumkur, Gubbi and Kunigal.
Mysore	1. City Magistrate, Mysore 2. Special Magistrate, 1st class, Mysore Special Magistrate, 2nd class (1) Mysore (2) Mandya (3) Nanjangud	The 1st class cases of the Mysore City and taluk. The 1st class cases of the district (excluding the Mysore Taluk). The taluks of Mysore, Hunsur, Yedatore and Heggaddevankote. The taluks of Malvalli, Mandya, Krishnarajpete, Nagamangala and Seringapatam and French Rocks Sub-Taluk. The taluks of Nanjangud, T. Narsipur, Chamrajnagar and Gundlupet.
Hassan	1. Special Magistrate, 1st class, Hassan. 2. Special Magistrate, 2nd class. (1) Hassan (2) Channarayapatna	The whole district (1st class cases only). The taluks of Hassan, Manjarabad and Belur and Alur Sub-Taluk. The taluks of Channarayapatna, Arsikere, Hole-Narsipur and Arkalgud.

Location and Jurisdiction of Criminal Courts—*concl'd.*

District	Location of Courts of Special Magistrates of First and Second class	Territorial jurisdiction
Shimoga	1. Special Magistrate, 1st class, Shimoga. 2. Special Magistrate, 2nd class. (1) Shimoga (2) Sagar	The whole district (1st class cases only). The taluks of Shimoga, Channagiri, Tirthahalli and Honnali and Kumsi Sub-Taluk. The taluks of Sagar, Sorab, Nagar and Shikarpur.
Kadur	1. Special Magistrate, 1st class, Chikmagalur. 2. Special Magistrate, 2nd class. (1) Chikmagalur (2) Tarikere	The whole district (1st class cases only). The taluks of Chikmagalur, Mudgere and Koppa. The taluks of Tarikere and Kadur and Narasimharajapura Sub-Taluk.
Chitaldrug	1. Special Magistrate, 1st class, Chitaldrug. 2. Special Magistrate, 2nd class. (1) Chitaldrug (2) Davangere	The whole district (1st class cases only). The taluks of Chitaldrug, Hiriur, Challakere and Molakalmuru. The taluks of Davangere, Holalkere, Hosdurga and Jagalur and Harihar Sub-Taluk.